IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 11TH SEPTEMBER 2006 / 20TH BHADRA 1928

Bail Appl..No. 5255 of 2006

CRIME NO.13/2005 OF EXCISE ENFORCEMENT & NARCOTIC SPECIAL SAUAD, ERNAKULAM

PETITIONER/2ND ACCUSED

MILICIOUS, S/O ISAAC,
CHAMAKKATT HOUSE, ODAKKALI, PUNNAYAMKARA,
ASHAMANOOR VILLAGE, KUNNATHUNAD TALUK.

BY ADV. SRI.K.V.SABU

RESPONDENTS: COMPLAINANT

CIRCLE INSPECTOR OF EXCISE,
EXCISE ENFORCEMENT & ANTI NARCOTIC SPECIAL SQUARD,
EMAKULAM REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5255/2006

DATED THIS THE 11TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner is the second accused in C.R.No.13/2005 of Excise Enforcement & Anti Narcotic Special Squad, Ernakulam, for the offence punishable under Section 20(b)(ii) and B of N.D.P.S. Act. It is alleged that the first accused was arrested with 4.3 Kgs of ganja, on 14.10.2005. He confessed that the petitioner, second accused, had given the same to him, which he hide in the house of the third accused. The arrest of first and third accused accordingly took place. The confession statement of first accused had already been recorded and the police had interrogated the third accused as well.

2. In the above circumstances, I direct the petitioner, the second accused, to surrender before the Investigating Officer on 19.9.2006 between 10.30 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner and produce him before the Court below, as

per the law.

3. If the Investigating Officer desires to have the petitioner in custody for interrogation, he may move an application for the same, before the Court below and in which event, the learned Magistrate shall pass appropriate orders on merit, considering the facts on record and hearing both sides.

4. The petitioner may also move an application for bail, on production before the Court below, and the learned Magistrate shall consider the same on merit and pass appropriate orders, accordingly.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs